

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SUMITOMO REALTY & DEVELOPMENT
 CO., LTD.,

Plaintiff,

vs.

TERUKO KAMADA PROCTOR,
 Defendant.

2:19-cv-01899-GMN-VCF

ORDER

MOTION TO COMPEL [ECF NO. 26]

Before the Court is plaintiff Sumitomo Realty & Development Co., Ltd's motion to compel. (ECF No. 26). Plaintiff asks the Court to order the defendant to fully respond to plaintiff's first set of requests for admission, plaintiff's first set of interrogatories, plaintiff's first request for production of documents, to make initial disclosures per Federal Rule of Civil Procedure 26, produce a privilege log per FRCP 26(b)(5)(A), and award attorneys' fees and costs per FRCP 37(a)(5)(A) for bringing this motion. (*Id.* at 1 and ECF No. 26-2). "Plaintiff [also] asks this Court to order Defendant to submit amended answers to these and all other Requests to Admit, requiring Defendant to respond to each request truthfully and in good faith." (ECF No. 26 at 8).

The defendant Teruko Kamada Proctor has not filed an opposition to the motion and the time to do so has passed. Under LR 7-2(d), the failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion. It appears that the defendant has consented to the granting of the motion to compel. The Court grants the motion in part.

Accordingly,

IT IS ORDERED that plaintiff's motion to compel (ECF No. 26) is GRANTED IN PART.

1 IT IS FURTHER ORDERED that defendant Proctor has until Monday, April 19, 2021:

- 2 1. produce initial disclosures per FRCP 26;
- 3 2. produce a privilege log FRCP 26(b)(5)(A);
- 4 3. fully respond to plaintiff's first set of requests for admissions without objections;
- 5 3. fully respond to plaintiff's first set of interrogatories without objections; and
- 6 4. fully respond to plaintiff's first request for production without objections.

7 IT IS FURTHER ORDERED that plaintiff's request for attorney's fees and costs for bringing
8 this motion is denied without prejudice.

9 DATED this 5th day of April 2021.

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11 CAM FERENBACH
12 UNITED STATES MAGISTRATE JUDGE
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